

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BRADLEY COOPER, on behalf of himself and all
others similarly situated,

Plaintiff,

-against-

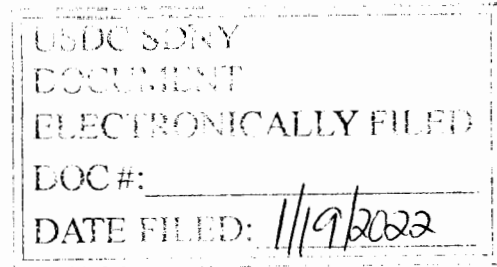
21 CIVIL 854 (JMF)

JUDGMENT

BONOBOS, INC.,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated January 19, 2022, in short, Cooper fails to allege any injuries that are "certainly impending" or based on a "substantial risk that the harm will occur." Clapper, 568 U.S. at 409, 414 n.5 (quotation marks omitted). Thus, Cooper's claims must be and are dismissed without prejudice for lack of subject-matter jurisdiction, and the Court need not - indeed, may not - address Bonobos's other arguments. See, e.g., Hernandez v. Conriv Realty Assocs., 182 F.3d 121, 123 (2d Cir. 1999) ("Article III deprives federal courts of the power to dismiss a case with prejudice where federal subject matter jurisdiction does not exist."). Moreover, although leave to amend should be freely given "when justice so requires," Fed. R. Civ. P. 15(a)(2), it is "within the sound discretion of the district court to grant or deny leave to amend," Broidy Cap. Mgmt. LLC v. Benomar, 944 F.3d 436, 447 (2d Cir. 2019) (internal quotation marks omitted). Here, Cooper already amended his pleadings once after Bonobos moved to dismiss, and he "fail[s] to show how amendment could... demonstrate[] a cognizable injury suffice to support Article III standing. Thus, any further amendment would [be] futile."



Treiber v. Aspen Dental Mgmt., Inc., 635 F. App'x 1, 2 (2d Cir. 2016) (summary order);
accordingly, the case is closed.

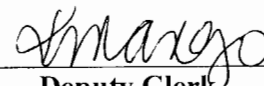
Dated: New York, New York

January 19, 2022

RUBY J. KRAJICK

Clerk of Court

BY:


Deputy Clerk